

# LONDON BOROUGH OF CROYDON

<b>REPORT TO:</b>	General Purposes Committee	
<b>DATE OF DECISION:</b>	5 <sup>th</sup> November 2024	
<b>REPORT TITLE:</b>	Constitution Review – Part 4A, Council Procedure Rules	
<b>CORPORATE DIRECTOR / DIRECTOR:</b>	Stephen Lawrence-Orumwense Director of Legal Services and Monitoring Officer	
<b>LEAD OFFICER:</b>	Adrian May Interim Head of Democratic Services	
<b>LEAD MEMBER:</b>	Cllr Fitzsimons	
<b>AUTHORITY TO TAKE DECISION:</b>	The terms of reference of the General Purposes Committee (see Part 3 of the Constitution, Responsibility for Functions) allow the Committee to conduct periodic reviews of the Constitution and consider changes to the Constitution recommended by the Constitution Working Group and to refer any proposals to full Council for approval.	
<b>CONTAINS EXEMPT INFORMATION?</b>	No	Public
<b>WARDS AFFECTED:</b>	All	

## 1 SUMMARY OF REPORT

- 1.1 This report contains proposed changes to Part 4A Council Procedure Rules (CPR) and Part 4C Budget & Policy Framework Procedure Rules of the Council’s Constitution.
- 1.2 These proposals are recommended by the Constitution Working Group (CWG), made of Members, which meets since its formation in September 2022 to consider required updates and improvements to the Constitution and council / committee meeting procedures.
- 1.3 The proposals detail the proceedings for any second Council Tax & Budget meeting in circumstances the Executive Council Tax & Budget proposals have not been passed, as well as detailing the Council meeting procedures for consideration of a policy item which is considered as part of the Council’s Budget and Policy Framework.
- 1.4 Proposals changing the constitution need consideration by the General Purposes Committee before being put to Full Council with recommendation for final agreement and adoption.

## **2 RECOMMENDATIONS**

For the reasons set out in the report and its appendices, the General Purposes Committee is recommended:

- 2.1** To review and comment on the proposed revisions to the Constitution as detailed in the report;
- 2.2** To approve the amended version of Part 4A (as set out in Appendix 1/1a - Council Procedure Rules) and Part 4C of the Constitution (as set out in Appendix 2/2a - Budget & Policy Framework Procedure Rules));
- 2.3** To recommend the adoption of the changes to the Council Procedure Rules to Full Council.
- 2.4** To authorise the Monitoring Officer to make any additional but minor amendments to Part 4A and Part 4C of the Constitution for tidying up or clarification purposes or to correct any drafting slips prior to reporting them to Full Council for adoption.

## **3 REASONS FOR RECOMMENDATIONS**

- 3.1** Part 4A Council Procedure Rules outlines the meeting procedures for considering the Executive's Council Tax & Budget Proposal. As part of the provisions as outlined in Part 4C, Budget & Policy Framework Procedure Rules, if the proposals are not passed, the Executive can consider the ground for not agreeing the proposals and represent the original or amended proposals at a subsequent meeting. The Constitution's Part 4C provisions apply equally to any policy which is considered as part of the Council's Budget & Policy Framework.
- 3.2** The meeting procedures for a second Budget & Council Tax setting meeting to reconsider the Executive's Budget & Council Tax proposals are not fully detailed in the Constitution.
- 3.3** The Chair of Council has previously moved, subject to Council agreement, the procedures for the 2<sup>nd</sup> Council Tax & Budget meeting. The agreement of the procedures in the Constitution will give clarity to Members and supporting Officers.
- 3.4** Whilst the Constitution's Part 4C provisions apply equally to any policy which is considered as part of the Council's Budget & Policy Framework, the meeting procedures for such an item, including any subsequent reconsidering of the item if initially not passed, are not detailed in the Constitution. Since May 2022, when policy items which are part of the Budget & Policy Framework have been presented at Council the Chair has moved how the item will be considered. The agreement of meeting procedures in the Constitution for considering all Budget & Policy Framework items will give clarity to Members and supporting Officers.
- 3.5** The proposals also make minor changes to improve the consistency of terms used in the documents associated with deadline dates for various submissions to Council.

## **4 BACKGROUND AND DETAILS**

- 4.1 The Constitution Working Group (CWG) was established in the latter half of 2022, and at its first meeting agreed a Work Programme based on priority issues for the Council.
- 4.2 It was agreed that the Council Procedure Rules were a priority, and changes were proposed and agreed at Council, March 2023, with the aim of reflecting the changed political make-up of the Council at the time, encouraging public participation and support member debate and discussion.
- 4.3 Subsequently, further improvements and gaps in the Council Procedure Rules have been raised by Members as well as by Officers, and the CPRs were subsequently reviewed over the last few months by the CWG.

### **COUNCIL TAX MEETINGS**

- 4.4 It is proposed that the term 'Council Tax Meeting' is changed to 'Council Tax & Budget Meeting', due to being a more accurate description of the items being considered at such meetings (please note, this term is used for the remainder of the report).
- 4.5 The following proposed amendments for the Council Tax meeting/s are identified in Appendix A and B and in summary are below:

#### **Speaking Rights for Minority and Ungroups Members**

- 4.6 The Chair at a Council Tax & Budget Council can at their discretion, include questions and speaking slots to other parties, in addition to the two largest groups on Council. This was agreed for both 2023 and 2024 Council Tax & Budget meetings. It is proposed that these slots are now articulated in the Council Constitution, to provide clarity for all Members, and so not at the discretion of the Chair.

#### **Submission of Amendments**

- 4.7 Amendments to the budget cannot be formally considered and voted upon until the 2<sup>nd</sup> meeting of Council Tax & Budget Council (if the Executive Proposals are not agreed at the first meeting).
- 4.8 It has been the case, for 2023 and 2024 that amendments are published as a supplemental agenda to the first meeting (once approved by the s151 Officer as still being able to deliver a balanced budget if agreed).
- 4.9 This approach allows both Council and the Executive to understand the grounds for objecting to the Executive proposals. The publication of any amendment also allows the Executive the opportunity to amend their proposals for consideration at the first meeting. It is proposed this practical provision is reflected in the Council Procedure Rules.

#### **Debate and Vote on Amendments**

- 4.10** In the advent of the Executive Proposals not being agreed at a Council Tax & Budget Meeting, the Executive has a right to return to Council with the original or amended proposals. At the second meeting any amendments submitted at the first meeting, will be formally considered and voted upon.
- 4.11** The Constitution details the voting requirements for any amendment (a two-third majority vote is needed for the amendment to pass). The meeting procedures are however not detailed in the Constitution. Council has practically agreed a suggested meeting procedure moved by the Chair of Council at the respective 2<sup>nd</sup> Council Tax & Budget meeting in both 2023 and 2024.
- 4.12** The proposed amendments as detailed in Appendix A essentially incorporate the agreed approach for the 2023 and 2024 meetings, with a slight change in the order of questions – based on the question ordering to the Executive Mayor at an ordinary full council meeting.

### **POLICY DECISION ITEMS (As part of the Budget & Policy Framework)**

- 4.13** In the Constitution, the Appendix to Article 4 ‘The Council’ lists those decisions which are reserved to Full Council. This includes the plans, strategies and policies considered part of the Council’s Policy Framework and are so-called shared functions; the Executive initiates and proposes, and Full Council approves and adopts. The following policy framework documents are therefore subject to the special decision-making and voting procedures as budget setting:
- Equality Strategy;
  - Community Safety Strategy;
  - Children and Young Persons Plan;
  - Initial Local Implementation (Transport) Plan;
  - Gambling Strategy;
  - The Corporate Plan/Mayor’s Business Plan;
  - The plans and strategies for planning, development and conservation in the Borough comprising the Croydon Local Plan and other approved and adopted development plan documents and supplementary planning documents;
  - Plans, Policies and Strategies which together make up the Housing Strategy (namely, *the Housing Strategy; Asset Management Strategy; Resident Engagement Strategy; and Homeless Prevention & Rough Sleeping Strategy*)
  - Youth Justice Plan.
- 4.14** As part of the special decision-making procedures, Budget & Policy framework proposals going to Council need to have been considered by Scrutiny, with the Executive having responded to any scrutiny comments and recommendations before going to Council.
- 4.15** If the Policy proposals are not agreed by simple majority at the first Full Council meeting, then the Executive must consider Full Council’s objection and report back. At

the second Full Council meeting any amendments to the Executive's original or revised proposals can only be agreed by two thirds majority vote (unless the amendment is agreed and incorporated by the Executive when moving their proposals at the meeting).

### **Agreement of Meeting Procedures**

- 4.16** The meeting procedures for Council to consider policy items which form part of the Budget & Policy Framework, is not articulated in the Constitution. When Council has considered such a policy, the Chair of Council has moved, subject to Council agreement, the meeting procedure and approach to be followed.
- 4.17** It is proposed that the meeting procedures for Council to consider Policy items which form part of the Budget & Policy Framework is incorporated into the Constitution, to give clarity to Members and Officers, and that it's based largely on the provision as detailed for the Council Tax & Budget meeting.
- 4.18** The proposed meeting procedures for a Policy item which form part of the Budget & Policy Framework have been reflected in Appendix A and B. As agreed by CWG they are generally based on the procedures for considering Council Tax & Budget proposals, however with the following notable changes:
- Policy items do not include a default 2 x 15mins question and answer session to the Executive Mayor and Cabinet Member.
  - No question time for the Chair of Scrutiny, however a speaking slot provided for the relevant scrutiny chair at the first meeting considering the proposal.
  - Submitted amendments need approval before submission to Council by the relevant Corp Director and Monitoring Officer (as opposed to the 151 Officer for Council Tax & Budget amendments).
  - Reduced speaking times for the Executive & Opposition Group Leader.
  - Reduced number of speaking slots for the two main groups from 5 to 2 each, with one speaker from other parties represented at Council.
  - A streamlined approach for considering a Policy item, subject to agreement by the two main groups, when the Executive has signalled acceptance of an amendment and wish to move their proposals incorporate the submitted amendment.

### **OTHER CHANGES**

- 4.19** Some basic tidying up of language in order to clarify points is proposed e.g., inconsistency in the stipulation of submission deadlines for example petitions, motions, public questions, and speakers lists. Where possible, 'X clear working days' is used (which is the number of working days, not include the date of submission/publication and the actual date of meeting) or practical illustration of the deadline provided.

## **5 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1** As part of the consultation, a number of further considerations and amendments were raised by the political groups and the Liberal Democrat Member concerning, for

example, speaking rights, time allocations etc. The proposals which received a general consensus or at least majority support have been taken forward.

- 5.2** These rules will be kept under review and, as and when necessary, reported back to CWG for further consideration.

## **6 CONSULTATION**

- 1.5** These proposals were considered at the CWG on the 12<sup>th</sup> September and reconsidered and subsequently agreed, 24<sup>th</sup> October 2024.

## **7. CONTRIBUTION TO EXECUTIVE MAYOR'S BUSINESS PLAN**

- 7.1** Outcome 1; Priority 4: Ensure good governance is embedded and adopt best practice.

## **8. IMPLICATIONS**

### **8.1 FINANCIAL IMPLICATIONS**

- 8.1.1** There are no identified financial implications related to the proposals.

### **8.2 LEGAL IMPLICATIONS**

- 8.2.1** The Council's Council Procedure Rules are referred to in legislation as standing orders. They serve the purpose of regulating the proceedings of, and the conduct of business at, Full Council meetings. Subject to any rules which are mandated by law, the Council has a broad discretion to decide its own additional rules (Local Government Act 1972, Schedule 12, para. 42).
- 8.2.2** This report focuses on the practical arrangements for complying with the special decision making and voting rules at Full Council meetings concerning budget and policy framework items, as they apply to authorities with an elected Mayor and Cabinet form of executive.
- 8.2.3** The statutory rules referred to in the report are set out in the Local Government Act 1972, the Local Government Act 2000, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Local Authorities (Standing Orders) (England) Regulations 2001.
- 8.2.4** Adopting changes to the Council's Constitution is a non-executive function reserved to Full Council which is why the Committee is asked to consider the proposed changes and make a recommendation.
- 8.2.5** According to s9P of the Local Government Act 2000 the Council must keep its Constitution up to date which must include its standing orders.

**8.2.6** Approved by Looqman Desai, Deputy Monitoring Officer on behalf of the Director of Legal Services and Monitoring Officer. 31/10/2024

### **8.3 EQUALITIES IMPLICATIONS**

**8.3.1** Under section 149 of the Equality Act 2010, the Council has a duty when exercising its functions to have “due regard” to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not

**8.3.2** This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. 7.3.2 “Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to each need is a matter for the Council. As long as the Council is properly aware of the effects and has taken them into account, the duty is discharged. 7.3.3

**8.3.3** There are no equalities impacts directly arising from the proposed changes.

## **9. APPENDICES**

**9.1** *Appendix 1 Part 4A, Council Procedure Rules highlight tracked Changes from current CPR.*

*Appendix 1a Proposed Part 4A, Council Procedure Rules – with proposed changes accepted.*

*Appendix 2 Proposed Part 4C, Budget & Policy Framework – highlight tracked Changes from current CPR*

*Appendix 2a Proposed Part 4C, Budget & Policy Framework - with proposed Changes Accepted.*